

AMENDED IN ASSEMBLY MAY 16, 2013

SENATE BILL

No. 815

**Introduced by Committee on Veterans Affairs (Senators ~~Correa~~
Hueso (Chair), Block, *Correa*, Knight, Lieu, Nielsen, and Roth)**

March 4, 2013

An act to amend Sections 699.5, 721, 951, 952, 970, 971, 981.2, 981.3, 1012.2, 1025, and 1026 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 815, as amended, Committee on Veterans Affairs. Veterans.

Existing law authorizes the Department of Veterans Affairs to assist a veteran and his or her dependents or survivors to make a claim against the United States arising out of war service and establishing a right to a privilege, preference, care, or compensation.

This bill would instead authorize assistance for claims against the United States arising out of military service.

The existing Military and Veterans Code contains various references to the "Director of the Veterans Administration" and to the "Veterans Administration" that have been rendered obsolete by subsequent changes in the law.

This bill would correct these obsolete references by instead referring to the "Secretary of Veterans Affairs" and to the "United States Department of Veterans Affairs," *respectively*.

Existing law authorizes the board of supervisors of each county to appoint a county veterans service officer to perform duties relating to the administration of benefits to veterans.

This bill would make technical, nonsubstantive changes to that provision.

Existing law requires the county veterans service officer to assist every veteran and the dependents of every deceased veteran in presenting and pursuing any claim the veteran may have against the United States and in establishing the veteran's right to any privilege, preference, care, or compensation provided for by the laws.

This bill would require the county veterans service officer to also assist, in the manner described above, any qualified former ~~member~~. ~~This bill would define "qualified former member" for purposes of this assistance to mean any former member of the United States Armed Forces: member, as defined.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 699.5 of the Military and Veterans Code
2 is amended to read:
3 699.5. (a) The department may assist every veteran of the
4 United States and the dependent or survivor of every veteran of
5 the United States in presenting and pursuing the claim as the
6 veteran, dependent, or survivor may have against the United States
7 arising out of military service and in establishing the veteran's,
8 dependent's, or survivor's right to any privilege, preference, care,
9 or compensation provided for by the laws of the United States or
10 of this state. The department may cooperate and, with the approval
11 of the Department of Finance, contract with any veterans service
12 organization, and pursuant to the contract may compensate the
13 organization for services within the scope of this section rendered
14 by it to any veteran or dependent or survivor of a veteran. The
15 contract shall not be made unless the department determines that,
16 owing to the confidential relationships involved and the necessity
17 of operating through agencies that the veterans, dependents, or
18 survivors involved will feel to be sympathetic toward their
19 problems, the services cannot satisfactorily be rendered otherwise
20 than through the agency of the veterans organization and that the
21 best interests of the veterans, dependents, or survivors involved
22 will be served if the contract is made.
23 (b) (1) The Legislature finds and declares that services provided
24 by veterans service organizations play an important role in the
25 department's responsibilities to assist veterans and their dependents

1 and survivors in presenting and pursuing claims against the United
2 States, and that it is an efficient and reasonable use of state funds
3 to provide compensation to veterans service organizations for these
4 services.

5 (2) The Legislature further finds and declares that paragraph
6 (1) shall not be implemented by using the General Fund until the
7 annual budget for county veterans service officers reaches a
8 minimum of five million dollars (\$5,000,000). This subdivision
9 shall not be construed to preclude the use of federal funding in
10 implementing these provisions.

11 (c) Veterans service organizations that elect to contract with the
12 department in accordance with this section shall document the
13 claims processed each year by the veterans service officers
14 employed by the veterans service organization at offices located
15 in California. The documentation shall be in accordance with
16 procedures established by the department.

17 (d) The department shall determine annually the amount of
18 monetary benefits paid to eligible veterans and their dependents
19 and survivors in the state as a result of the work of the veterans
20 service officers of the contracting organizations. Beginning on
21 January 1, 2006, the department shall, on or before January 1 of
22 each year, prepare and transmit its determination for the preceding
23 fiscal year to the Department of Finance and the Legislature. The
24 department shall also identify federal sources to support the efforts
25 of veterans service organizations pursuant to this section. The
26 Department of Finance shall review the department's determination
27 in time to use the information in the annual Budget Act for the
28 budget of the department for the next fiscal year.

29 (e) For purposes of this section:

30 (1) "Survivor" means any relation of a deceased veteran who
31 may be entitled to make a claim for any privilege, preference, care,
32 or compensation under the laws of the United States or this state
33 based upon the veteran's war service.

34 (2) "Veterans service officer" means an individual employed
35 by a veterans service organization and accredited by the United
36 States Department of Veterans Affairs to process and adjudicate
37 claims and other benefits for veterans and their dependents and
38 survivors.

39 (3) "Veterans service organization" means an organization that
40 meets all of the following criteria:

1 (A) Is formed by and for United States military veterans.

2 (B) Is chartered by the United States Congress.

3 (C) Has regularly maintained an established committee or
4 agency in a regional office of the United States Department of
5 Veterans Affairs in California rendering services to veterans and
6 their dependents and survivors.

7 SEC. 2. Section 721 of the Military and Veterans Code is
8 amended to read:

9 721. If any public agency which has rendered a service,
10 provided benefits, or furnished assistance to a veteran determines
11 that the costs of rendering the service or providing the benefits or
12 assistance are recoverable from the United States Department of
13 Veterans Affairs, it shall refer the matter to the county veterans
14 service officer, where applicable, for action pursuant to Section
15 971 and shall assist the county veterans service officer in any way.

16 SEC. 3. Section 951 of the Military and Veterans Code is
17 amended to read:

18 951. (a) "Veteran status information" means the data required
19 by the Department of Veterans Affairs to verify the status of a
20 decedent as either a veteran or the dependent of a veteran for
21 purposes of eligibility for burial in a national or state cemetery,
22 including the person's name, service number, social security
23 number, date of birth, date of death, place of birth, branch of the
24 service, and military rank.

25 (b) "Veterans' remains organization" means any entity
26 recognized by the United States Department of Veterans Affairs
27 and the National Personnel Records Center as an organization
28 authorized to verify and inter unclaimed cremated remains of
29 American veterans, including a member or employee of that entity.

30 SEC. 4. Section 952 of the Military and Veterans Code is
31 amended to read:

32 952. (a) A cemetery corporation or association, or other entity
33 in possession of the cremated remains of a veteran or dependent
34 of a veteran, shall, upon request of a veterans' remains organization
35 and after verifying the status of the veterans' remains organization
36 as an organization currently authorized by the United States
37 Department of Veterans Affairs and the National Personnel Records
38 Center or as an organization authorized by the local county board
39 of supervisors to verify and inter unclaimed cremated remains of

1 American veterans, release veteran status information to the
2 veterans' remains organization.

3 (b) The use or disclosure of veteran status information obtained
4 by a veterans' remains organization pursuant to subdivision (a)
5 shall be permitted only for the purpose of verifying veteran
6 interment benefits of the deceased veteran or a dependent of a
7 veteran with the California Department of Veterans Affairs and
8 shall not be used or disclosed for any other purpose.

9 (c) The cemetery authority, cemetery corporation or association,
10 or other entity in possession of the cremated remains of a veteran
11 or dependent of a veteran may, upon request of a veterans' remains
12 organization and after verifying the status of the veterans' remains
13 organization as an organization currently authorized by the United
14 States Department of Veterans Affairs and the National Personnel
15 Records Center or as an organization authorized by the local county
16 board of supervisors to verify and inter unclaimed cremated
17 remains of American veterans, release the cremated remains of
18 the veteran or dependent of a veteran to a veterans' remains
19 organization for the sole purpose of interment, subject to Section
20 943 and Sections 7110 and 7208 of the Health and Safety Code,
21 when all of the following conditions have been met:

22 (1) The veterans' remains organization has verified the interment
23 benefits of the deceased veteran or dependent of a veteran with
24 the California Department of Veterans Affairs and provided
25 documentation of the verification to the cemetery authority,
26 cemetery corporation or association, or other entity that the
27 decedent is a veteran or a dependent of a veteran eligible for burial
28 in a national or state cemetery.

29 (2) The veterans' remains organization has made a reasonable
30 effort to locate the agent or family member who has the right to
31 control the cremated remains of the veteran or dependent of a
32 veteran.

33 (3) The veterans' remains organization has provided notice to
34 all known agents or family members who have the right to control
35 the cremated remains of the veteran or dependent of a veteran of
36 the veteran's remains organization's intent to claim the cremated
37 remains of the veteran or dependent of a veteran for the purpose
38 of providing a proper burial of the cremated remains of the veteran
39 or dependent of a veteran in accordance with Section 943 and
40 Sections 7110 and 7208 of the Health and Safety Code.

1 (4) An agent or family member who has the right to control the
2 cremated remains of the veteran or dependent of a veteran has
3 made no attempt to claim the cremated remains.

4 (5) The cremated remains have been in the possession of the
5 cemetery authority, cemetery corporation or association, or other
6 entity for a period of at least one year.

7 (d) The cemetery authority, cemetery corporation or association,
8 or other entity that releases veteran status information or cremated
9 remains of the veteran or dependent of a veteran pursuant to this
10 section shall not be subject to civil liability, except for gross
11 negligence, if all of the conditions of this section are met.

12 SEC. 5. Section 970 of the Military and Veterans Code is
13 amended to read:

14 970. (a) The board of supervisors of each county may, but is
15 not required to, appoint, prescribe the qualifications of, and fix the
16 compensation of an officer to be titled “county veterans service
17 officer.” The appointee shall be a veteran.

18 (b) It shall be the duty of the county veterans service officer to
19 administer the aid provided for in this chapter, to investigate all
20 claims, applications, or requests for aid made pursuant to the terms
21 of this chapter, and to perform any other veteran related services
22 as requested by the county board of supervisors.

23 (c) Notwithstanding subdivision (a), two or more counties may
24 jointly establish a single county veterans service office which shall
25 serve all the counties that agree to the joint establishment of that
26 office.

27 SEC. 6. Section 971 of the Military and Veterans Code is
28 amended to read:

29 971. (a) The county veterans service officer shall assist every
30 veteran of any war of the United States and every qualified former
31 member, and the dependents of every deceased veteran and every
32 qualified former member, in presenting and pursuing any claim
33 the veteran or the qualified former member may have against the
34 United States and in establishing the veteran’s or qualified former
35 member’s right to any privilege, preference, care, or compensation
36 provided for by the laws of the United States or of this state.

37 (b) The county veterans service officer shall present and pursue
38 claims against the United States referred by any public agency
39 pursuant to Section 721.

1 (c) For purposes of this section, “qualified former member”
2 means any former member of the United States Armed Forces,
3 *who is eligible under federal law to receive any veterans benefit*
4 *from the United States Department of Veterans Affairs or any other*
5 *agency of the federal government.*

6 SEC. 7. Section 981.2 of the Military and Veterans Code is
7 amended to read:

8 981.2. The department, insofar as the funds permit, may provide
9 an allowance of one hundred dollars (\$100) for each month the
10 student is in satisfactory and actual full-time attendance at an
11 educational institution, and pursuing a course of study leading to
12 a bachelor of arts or bachelor of science degree, or to a recognized
13 degree, license, certificate, or diploma.

14 For purposes of this section, the term “full-time attendance”
15 shall be defined in the same manner as it is defined by the
16 educational institution attended by the student. For purposes of
17 this section, “educational institution” shall be defined as any school
18 or college of the collegiate level accredited by the Western
19 Association of Schools and Colleges, including a community
20 college, and shall include a vocational school or any other school
21 approved by the State Department of Education for the purpose
22 of receipt by a student of educational benefits afforded by the
23 United States Department of Veterans Affairs.

24 The department may provide for such educational benefits for
25 full-time students pursuing a course of study leading to a
26 recognized postgraduate or professional degree, license, certificate,
27 or diploma in educational institutions in other states or in other
28 countries when such course of study is otherwise unavailable to
29 the student.

30 SEC. 8. Section 981.3 of the Military and Veterans Code is
31 amended to read:

32 981.3. The amount expended on account of any one veteran
33 under this article shall not exceed one thousand two hundred dollars
34 (\$1,200). Eligibility for benefits conferred under this article shall
35 not be granted if either the student has not exhausted his or her
36 rights to educational benefits afforded by the United States
37 Department of Veterans Affairs, or four years have elapsed from
38 termination of educational benefits afforded by the United States
39 Department of Veterans Affairs.

1 SEC. 9. Section 1012.2 of the Military and Veterans Code is
2 amended to read:

3 1012.2. Notwithstanding any other law, any member of the
4 home who is receiving an aid and attendance allowance from the
5 United States Department of Veterans Affairs and who has no
6 dependent spouse, child, grandchild, father, or mother shall pay
7 to the home an amount equal to that allowance in all levels of care
8 excluding domiciliary. One hundred percent of the moneys received
9 by the home under this section shall be placed to the credit of the
10 home and shall augment the current appropriation for the support
11 of the home.

12 SEC. 10. Section 1025 of the Military and Veterans Code is
13 amended to read:

14 1025. The home shall be open at any time to the inspection of
15 the Secretary of Veterans Affairs or his or her authorized
16 representative.

17 SEC. 11. Section 1026 of the Military and Veterans Code is
18 amended to read:

19 1026. The records, reports, and accounts kept by the home
20 shall conform, as nearly as possible, to the requirements of the
21 United States Department of Veterans Affairs.